



Dkt No. 96700/596

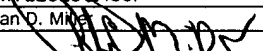
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jan Geliebter, George J. Christ, Arnold Melman, and Jamil Rehman
Serial No. : 09/531,969
Filed : March 21, 2000
For : GENE THERAPY FOR REGULATING SMOOTH MUSCLE TONE
Examiner : Peter Paras, Jr.
Group Art Unit : 1632

**PRELIMINARY COMMUNICATION AND
PETITION FOR A TWO MONTH EXTENSION OF TIME**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

"Express Mail" mailing label No.	EL 996361436 US
Date of Deposit:	June 9, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Alan D. Miller
Signature:	

A Final Office Action was issued in connection with above-identified application on January 30, 2004. On April 27, 2004, applicants timely filed a Communication in Response to the January 30, 2004 Final Office Action. An Advisory Action was issued on June 1, 2004, which indicated that the Declaration filed on April 27, 2004 raises new issues and/or considerations and was not timely filed, and therefore has not been considered. Applicants herewith petition for a two month extension of time in which to file a Request for Continued Examination (RCE) under 37 C.F.R. §1.114. The fee for a small entity for filing a Request for Continued Examination under 37 C.F.R. §1.114 is \$385.00 and the fee for a two month extension of time is \$210.00. Therefore, a check in the amount of \$595.00 is enclosed. With a two month extension of time, the

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deadline for filing a Request for Continued Examination is June 30, 2004. Accordingly, this Preliminary Communication and Request for Continued Examination are being timely filed.

Applicants request that the Examiner fully consider the response filed on April 27, 2004, including the Declaration of Drs. George J. Christ and Arnold Melman under 37 C.F.R. §1.132.

If there are any minor matters that prevent allowance of the subject application, applicants request that the Examiner telephone the undersigned attorney.

No fee, other than the enclosed \$595.00 fee for filing a Request for Continued Examination (\$385.00) and Petition for a Two Month Extension of Time (\$210.00) for a small entity, is deemed necessary in connection with the submission of this reply. However, if there are unanticipated fees required to maintain the pendency of this application, the PTO is authorized to withdraw those fees from Deposit Account 01-1785. Overcharges may also be credited to Deposit Account 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: New York, New York
June 9, 2004

By: 
Alan D. Miller, Reg. No. 42,889

**AMSTER
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& EBENSTEIN**

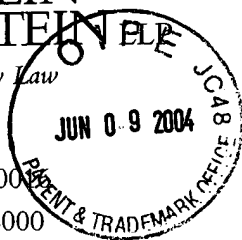
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June 9, 2004

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Name:	Alan D. Miller
Signature:	

Re: U.S. Patent Application No. 09/531,969
Title: GENE THERAPY FOR REGULATING SMOOTH
MUSCLE TONE
Inventors: Jan Geliebter, George J. Christ,
Arnold Melman, and Jamil Rehman
Our File: 96700/596

Dear Sir:

Enclosed please find the following documents for filing with the above-identified utility patent application in the names of Jan Geliebter, George J. Christ, Arnold Melman, and Jamil Rehman, entitled "GENE THERAPY FOR REGULATING SMOOTH MUSCLE TONE," including the following:

1. Request for Continued Examination Transmittal (1 page);
2. Preliminary Communication and Petition for a Two Month Extension of Time (2 pages);
3. Check in the amount of \$595.00; and
4. a return receipt postcard.

June 9, 2004

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning the same to us.

Very truly yours,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: June 9, 2004
New York, New York

By: 

Alan D. Miller
Registration No. 42,889

ADM/rf
Enclosures